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In re application of
Tameka Spence et al.
Serial No. 10/039,237
Filed: December 31, 2001
For: PROCESS FOR MANUFACTURING A CELLULOSIC
PAPER PRODUCT EXHIBITING REDUCED
MALODOR

DECISION ON
PETITION

This is a response to the PETITION REQUESTING WITHDRAWAL OF THE HOLDING OF ABANDONMENT OF A PATENT APPLICATION UNDER 37 C.F.R. §1.181(a) filed December 17, 2004 and resubmitted February 17, 2005. The petition requests that the abandonment, as set forth in the Notice of Abandonment of December 9, 2004, for failure to timely file a proper reply to the Office letter mailed on May 11, 2004 be withdrawn since the applicants did timely file a reply on August 9, 2004. (A copy of the reply filed August 9, 2004 is attached to the instant petition.)

DECISION

The instant request has been accepted as a petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 (no fee) - no abandonment-in-fact. A review of the evidence presented reveals that the reply was properly filed on August 9, 2004, by facsimile transmission as evidenced by the copy of the Facsimile Transmission report provided with the instant petition which indicates the successful transmission, to a USPTO facsimile telephone number, of 11 pages. Therefore, the application was never in-fact abandoned and any holding of abandonment for failure to timely file a proper reply to the Office letter mailed May 11, 2004 is hereby vacated and the application is returned to pending status.

The application shall be forwarded to the examiner for entry, processing and consideration of the reply originally filed August 9, 2004.

The Petition is GRANTED.

Jacqueline Stone
Jacqueline Stone, Director
Technology Center 1700
Chemical and Materials Engineering

SENNIGER POWERS LEAVITT AND ROEDEL
ONE METROPOLITAN SQUARE
16TH FLOOR
ST LOUIS MO 63102